

## MINUTES

### Call to Order

The meeting was called to order by Killian at Time 5:13

Members present: Prohaska, Frieders, Mariskanish

Staff Present: Riniker, Aulik

### Approval of Minutes from June 16, 2020

Motion by Prohaska, Second by Frieders. Voice vote, motion carried.

### Introduction of new Commission Member

Beth Frieders introduced herself to the Commission.

### Discussion and Updates

#### a. Update on Historic Nominations

Aulik informed the commission that the nominations were still in the queue to be reviewed at the State.

#### b. Discussion regarding the “east porch” on 335 W Division St

Aulik reviewed the timeline regarding 335 Division St. She presented the question – does HPC have the authority to require the “east porch” to be replaced. She presented a Pre-1984 property record card showing the “east porch” as a separate porch from the front porch with concrete underneath. Aulik stated again, as in the June meeting, that the City would legally have a hard time trying to require the property owner to replace that porch based on the language of the easement – which is the only authority HPC has on that property.

Prohaska expressed his opinion the City was negligent when writing the easement and he reviewed additional photos of the property (included in the meeting packet). Riniker was asked if the property would no longer be considered contributing to the Division St Historic District if the east porch is not replaced. He will review. The property owner will already be replacing the front porch. At this time, the City is not expecting another Certificate of Appropriateness to be applied for by the property owner for the current work being done.

### Next Meeting Date

August 18, 2020

### Adjourn

Motion to adjourn by Prohaska, second by Frieders. Voice vote. Motion carried.

APPLICATION FOR A  
**HISTORIC PROPERTY DESIGNATION**  
 CITY OF PLATTEVILLE, WISCONSIN



**General Information** (please type or print clearly)

	Owner	Applicant/Agent
Name	City of Platteville	Laura Graney, Kristal Prohaska <i>Dr. Teresa Burns</i>
Address	Indian Park N. 4th Street Platteville, WI 53818	(Please see attachment.)
Phone		"
Fax		NA
Email		"

**Signature** The undersigned person hereby petitions the Historic Preservation Commission of the City of Platteville, Wisconsin, to designate the property described below as a Historic Structure of Site.

Name: *Kristal Prohaska* *T. M. Py* Date: *August 14, 2020*  
*Maura Graney*  
 The above person is the:  Property Owner  Agent for the Owner  Applicant

I wish to nominate this property because: (check one or more boxes)

- I wish to protect the property.
- This property is threatened with demolition or destruction.
- This property has historic significance.
- This property has been owned or occupied by a prominent or significant person(s).

**Property Information**

Address of Property: *N. 4th Street* Platteville, WI

Present Use of Property: *park (Indian Park)*

If known, provide the following information:

Historic Name of Property: *Presbyterian Church Cemetery*

Name of Architect: *NA*

Other properties in Platteville designed by Architect: \_\_\_\_\_

Name of Builder: *NA*

Other properties in Platteville constructed by Builder: \_\_\_\_\_

Date of Construction: *NA*

Type and/or Style of Architecture: \_\_\_\_\_

**Significance of the property:** Why do you think the property is historically significant? (Please check all of the boxes below that apply).

The property illustrates an important aspect of local history through its:

- |   |   |
|---|---|
| <input checked="checked" type="checkbox"/> Ethnic history.              | <input type="checkbox"/> Agricultural history.  |
| <input checked="checked" type="checkbox"/> Social or political history. | <input type="checkbox"/> Transportation history.  |
| <input type="checkbox"/> Industrial or commercial history.              | <input checked="checked" type="checkbox"/> Other <u>religious + educational history</u> |

The property is directly associated with a person or persons who made important contributions to:

- |   |  |
|---|--|
| <input type="checkbox"/> Agricultural history.  | <input checked="checked" type="checkbox"/> Industrial or commercial history. |
| <input checked="checked" type="checkbox"/> Social or political history.                 | <input type="checkbox"/> Transportation history.                             |
| <input checked="checked" type="checkbox"/> Other <u>religious + educational history</u> |  |

The property is architecturally or artistically distinctive because it:

- Is an important example of an architectural style.
- Is an unusual or important kind of building or structure.
- Has an unusual method of construction.
- Is an important work of art.
- Is the work of an important architect or master builder.
- Other \_\_\_\_\_

The property was identified in the Historic Architectural Survey Intensive Report for Platteville:

- 1983 Survey
- 2005 Survey

**What do you know about the history of the property?** Please provide as much information as possible that will indicate why the property is important. (For statements of historical fact, please indicate your sources of information. Keep in mind that the evaluation may depend solely on the information you submit.)

(Please see attachments.)  
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Attach additional pages, if necessary.

**Known alterations or additions made since this structure was built:** (please check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Building additions.   | <input type="checkbox"/> Replacement siding/residing.         |
| <input type="checkbox"/> Removal of porches/ portions of structure.                                | <input type="checkbox"/> Removal of decorative details.       |
| <input type="checkbox"/> Moved from its original location.<br>(if moved, why, from where and when) | <input type="checkbox"/> Replacement of doors and/or windows. |

The dates of major alterations or additions were \_\_\_\_\_

**Briefly describe any changes checked above.**

*N/A*

**Sources of Information:** Please list, or attach photocopies, of the sources of information that were used to determine the historical significance of the property.

*(Please see attachments.)*

**Photographs.** Please submit clear, recent photographs that show all sides of the exterior of the structure and all associated accessory buildings that will be considered for designation. Provide copies of any historic photos of the building or property that are available.

**Map.** Please draw, or provide a copy of, a map of the property. Include all structures, adjoining streets, and other major features. Photographs of the building should be keyed to this sketch.

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This completed form and any related documentation should be submitted to:

City of Platteville Historic Preservation Commission  
75 N. Bonson Street  
Platteville, WI 53818

Questions may be directed to:

City of Platteville, Department of Community Planning & Development at 608-348-9741

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**Note:** Financial assistance, in the form of tax credits, may be available for approved rehabilitation work on properties that meet State and National criteria. For more information, contact Jim Sewell from the Wisconsin Historical Society at 608-264-6490, or [jasewell@whs.wisc.edu](mailto:jasewell@whs.wisc.edu).

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**OFFICE USE ONLY**

Date Form Submitted: \_\_\_\_\_ File Number: \_\_\_\_\_

Historic Preservation Commission Action & Date: \_\_\_\_\_

Applicant(s):

Laura Graney  
PO Box 240  
Platteville, WI  
608-642-0464  
[lagraney@yahoo.com](mailto:lagraney@yahoo.com)

Kristal Prohaska  
280 Division Street  
Platteville, WI  
608-732-4238  
[prohaskakristal@gmail.com](mailto:prohaskakristal@gmail.com)

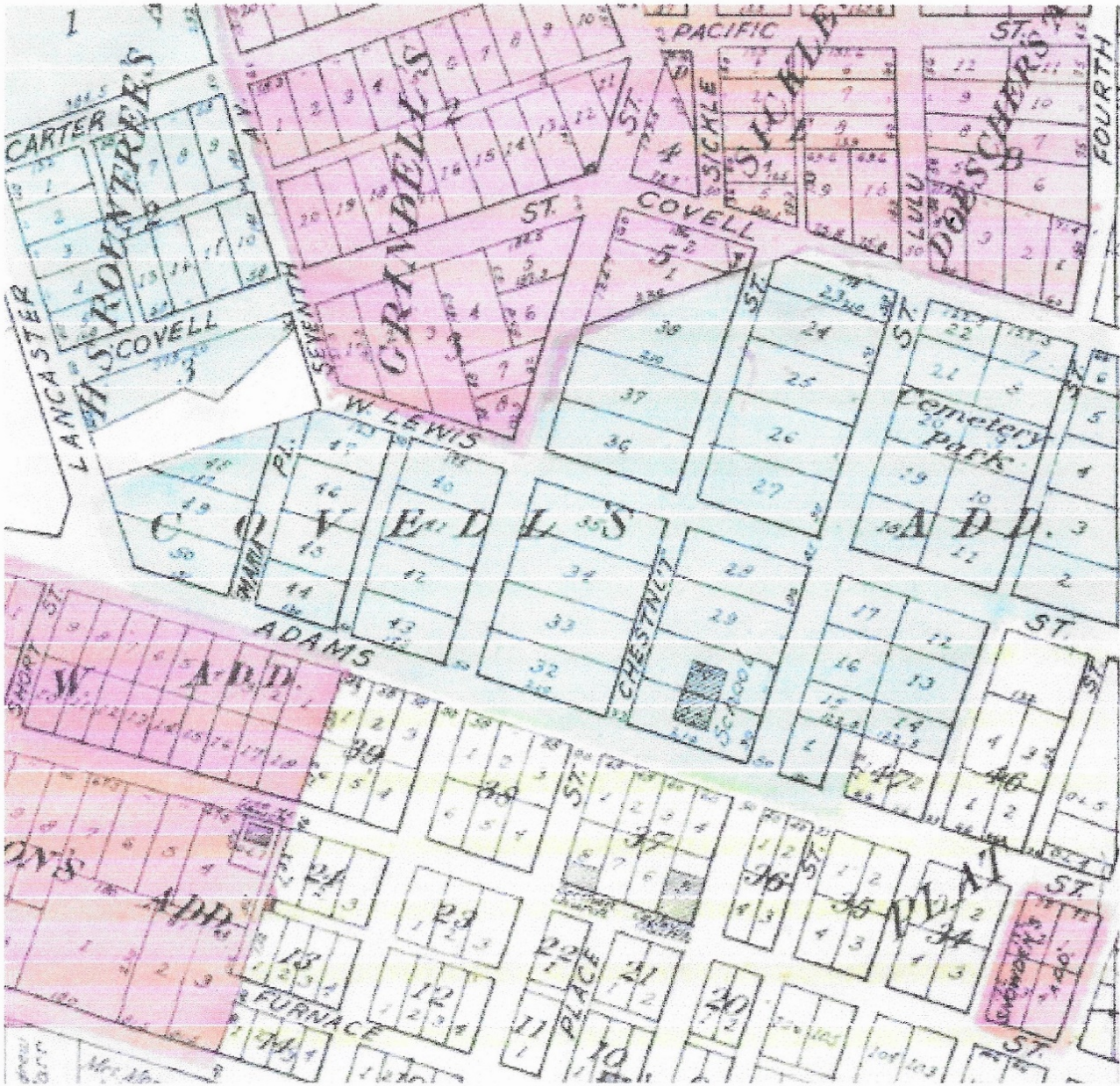
Dr. Teresa Burns  
1190 Union Street  
Platteville 53818  
608 642 1308  
[burnst@uwplatt.edu](mailto:burnst@uwplatt.edu)











ITEM #US29113

## Platteville City - West

From **Grant County 1918**, Wisconsin  
Published by Geo. A. Ogle and Co. in 1918

27101269000

X



Show search results for 27101269000



60ft

Digital



What do you know about the history of the property?

-Before European conquest, likely before 1000 C.E.: Indigenous peoples, likely ancestors of present-day Ho-Chunk, build mounds on the park. These mounds were somewhat leveled in 1918 (see entries below), and 1 to 1.5 feet of fill added. (When the street work was done in the spring of 2019 by the city of Platteville, an archeologist was required to be on site. It is at that time, that photographic proof of the fill was taken. This would coincide with the City of Platteville's Common Council Agenda of April 13, 1918.) Source of photographic documentation, Kristal Prohaska.

-The current park was a burial ground for Native Americans. Source: Capital Times, Dec. 12, 1962; The Platteville Journal, April 3, 1975; The Platteville Journal, "White People are Buried There" by Laura Graney, April 8, 1975. The following persons independently concerning the conical mound: Marjory Lathrop (Dana) Livingston, as recorded by her niece, Kay Tiedemann; Mary Toomey Rouse, as told to her granddaughter, Doris Rouse Scheil; Laura Graney as told to her son Richard Graney. Platteville elementary school teacher Beulah Berry and others would take classes over to the park to talk about the Indian mound. (Concerning Native Americans in the Platteville Area: History of Native Americans in the Platteville area, The Wisconsin Archeologist, Vol. 15 December, No 4 by C.E. Brown and A. O Barton; Native American Lead Mining in the Galena River Valley and the Potential for Archaeological Research, by Phillip G. Millhouse.)

-There also exists a large flat limestone capstone that is engraved with letters within the park. The date of this stone and who is buried there has been illegible for years.

-1836 Following what is known as the "Original Plan of the Village of Platteville", the following year this survey was enlarged. Source: City of Platteville, Grant County, Wisconsin, Intensive Survey Report, October 2005. Twenty-eight lots were added to the city with this addition including the area where Indian Park is located. Source: History of Old Platteville 1827-1835 by James A. Wilgus from the Wisconsin Magazine of History, Vol. 28. No. 1 (Sep.1944) page 80.

-Victims of the small pox epidemic in Platteville (from December of 1843 to February of 1844) were buried at the Fourth Street site. Source: Capital Times, Dec. 12, 1962; (Small pox epidemic in Platteville; Early Days in Platteville, by D.J. Gardner, Truman O. Douglass, Maria Greene Douglass, reprinted from the Wisconsin Magazine of History, Vol. VI, Number 1, September 1922.)

-Powder mill explosions (beginning in 1849) added to the cemetery population. Source: Capital Times, Dec. 12, 1962. (Powder Mill Explosions in Platteville - History of Grant County, Wisconsin, Holford, 1900.)

-In February of 1848, John Rountree deeds the land to the German Presbyterian Church for use as a burial ground. The deed also indicates that the land "shall be at this time and forever remain a public burial ground for the interment of the dead." Source: Deed, Grant County, Wisconsin, Register of Deeds.

-Rev. John Lewis becomes installed as the Presbyterian Church pastor in 1848. Source: The Congregational Church of Platteville. Brief synopsis of its history; History of Grant County, Holford, 1900.

\*Rev. Lewis assisted with this transition of the church in 1849. Rev. Lewis also teaches at the first Academy with Josiah Pickard. Source: History of the Platteville Academy by James Alva Wilgus; Personnel Recollections of Platteville by Maria Green Douglass; Summary History of the Synod of the West by Joseph L. Mihelec.

\*Slavery divides the church and by a special act of the 1849 State Legislature, Chapter 25, the church changes its name and form of government from Presbyterian to Congregational. Source:

-July 1849, the trustees of the Presbyterian Church transfer ownership of the church property, including the "one- acre lot intended, described, and used for public burying ground"

to the Congregational Church for the sum of one dollar. Sources: Deed, Grant County, Wisconsin, Register of Deeds; Cemeteries Article by J.W. Murphy, Platteville, Wisconsin RE: Local Cemeteries, Southwest Wisconsin Room, UW-Platteville.

\*Josiah Pickard is one of the trustees of the Presbyterian Church. Source: Deed, Grant County, Wisconsin, Register of Deeds.

-1850, Thomas Paine Aiken and Eleanor Donelson pass away due to the cholera epidemic of 1850. They are both buried in the cemetery (now Indian Park). Sources: Grant County Genealogical Society; (Cholera in Platteville, Wisconsin; History of Grant County, Wisconsin, Holford, 1900.)

Thomas Paine Aiken family history; The Platteville Journal, April 3, 1975; The Platteville Journal, April 8, 1975. The Platteville Journal, July 1976. (Platteville cholera epidemic sources: The Capital Times, Dec. 12, 1962; Depression in Pioneer Days –The James Ryerson Kays Story.)

\*Thomas Aiken is also a veteran of the War of 1812. Sources: Daughters of the War of 1812; and Thomas Paine Aiken family history.

- References to the cemetery calling it "Hill Graveyard". Sources: Independent American newspaper, November 11, 1853 and October 20, 1854.

-1855 John Rountree deeds 21 acres to John Lewis "less one acre" which was deeded to the trustees of the Presbyterian Church on February 22, 1848. Source: Register of Deeds, Grant County, Wisconsin.

-1861 A delinquent tax document shows the sale of the cemetery for 1857 delinquent taxes. W.R. Beach represented Grant County in the purchase of this parcel. Source; Tax roll, Grant County, Wisconsin.

-1869 Eliphalet W. Covell and Rebecca P. and Electa Lewis (Rev. John Lewis's wife) quit claim deed to John Rountree for \$50. (Note: Neither the Covell's or Electa owned the cemetery.) Source: Register of Deeds, Grant County Wisconsin.

-1895 and 1900 tax rolls indicate the land is in John Rountree's estate. Source: Tax rolls, Grant County Wisconsin.

-1898 Newspaper article from the Grant County Witness indicates that approximately 30 burials were made in this cemetery. Source: Grant County Witness, May 11, 1898.

-1901 A lien is recorded by E.B. Rice for compensation for materials, labor and attorney fees for the caring of the "Presbyterian burying ground." Source: Deed, Grant County, Wisconsin, Register of Deeds.

1901 O.W. Barret purchases the cemetery from E.B. Rice and Della Rice for \$500.00. Source: Deed, Grant County, Wisconsin, Register of Deeds.

-1901 & 1902 Tax rolls show O.W. Barrett as the owner but no taxes were paid as the said property is a "cemetery" and "graveyard". Source: Tax rolls, Grant County, Wisconsin

-1903 Tax roll record is left blank. Source: Tax rolls, Grant County, Wisconsin.

-1904 Tax rolls indicate the property is now "public property". Source: Tax rolls, Grant County, Wisconsin.

-1907 thru 1910 the property is listed as "Public Property". Source: Tax rolls, Grant County, Wisconsin.

-1911 thru 1919 the property is listed as "Unknown Owner". Source: Tax rolls, Grant County, Wisconsin.

-1917 June 1, 1917 In Chapter 307, Laws of 1917, in an act by the state the cemetery becomes the property of the city of Platteville Source: Platteville Paper, June 1, 1917; Wisconsin State Legislature website.

-1918 Common Council votes to remove and rebury bodies found in "Rountree Park" and authorizes the Rountree Park Committee to "level the surface of the ground". Source: Common Council Minutes dated April 3, 1918, city of Platteville, Wisconsin.

-1920 thru 1923 property is listed as "Park lots". Source: Tax rolls, Grant County, Wisconsin.

-1924 thru 1928 property is listed as "City Park". Source: Tax rolls, Grant County, Wisconsin.

-1929 thru 1961 property is listed as "North Park". Source: Tax rolls, Grant County, Wisconsin.

-1959 The common council asks then city attorney Robert C. Block to secure an abstract of the property (then known as "North Park"). The purpose of this was for "ascertaining the status of the title so that a decision could be made as to whether or not the City should sell the property as building lots. Source: Letter to Mr. Lawrence C. Kindschi, City Clerk, Platteville, Wisconsin dated November 10, 1959.

-1986 City of Platteville applies for the removal of interior lot lines to create one lot. Source: Register of Deeds, Grant County, WI.



1908 Sanborn Map=Platteville---Henry's Addition

<http://content.wisconsinhistory.org/cdm/fullbrowser/collection/maps/id/9347/rv/compoundobject/cpd/9355/rec/4>

Showing 335 Division street

Having a wrap porch on the north and east sides and an enclosed porch on the east south east

**RE: historic easement**

William S. Cole &lt;WCole@axley.com&gt;

Thu 8/6/2020 2:09 PM

**To:** Joe Carroll <carrollj@platteville.org>**Cc:** Richard Riniker <rinikerr@platteville.org>; Lauree Aulik <aulikl@platteville.org>; Megan J. Jerke <MJerke@axley.com>

Joe,

The City would enforce the easement pursuant to section 8 by commencing an action in Grant County circuit court asking the court to enjoin the owner from violating the easement and ordering the preservation of the wrap around porch. The property owner would undoubtedly assert the easement expressly excludes "the porch addition on the East side of the building".

In speaking with you I understand at the time the easement was drafted the City did not believe the eastern portion of the wrap around porch was original to the structure; and, therefore, the city intended the easement to exclude the eastern portion of the wrap around porch. The City subsequently learned that portion of the porch was, in fact, original and that a rear eastern porch was added later.

The court would decide the case based on what it deemed to be the intention of the parties at the time the easement was drafted. To do this it first reads the language of the easement itself. If it determines the language is susceptible to more than one reasonable interpretation, it receives parol evidence as to the parties' intentions. This would involve witness testimony, other documents, etc. Unfortunately, it sounds like if city officials were called to testify they would state the city intended to exclude the eastern portion of the wrap around porch from the easement, not the rear porch. While this intent was based on a misunderstanding of the history of the structure, it nonetheless was what the parties intended.

For this reason, absent other information to indicate the parties actually intended to exclude the rear porch, I believe any action to enforce the easement with regard to the wrap around porch would be unlikely to succeed. As we discussed any attempt to require preservation would be better directed through mechanisms other than the easement. I understand the structure is listed on the state/federal registry. Accordingly, the appropriate state and/or federal officials should be consulted to determine whether they would enforce the requirements of the historic designation against the property owner.

As always, feel free to call should you have any questions or concerns.

Bill

**William S. Cole**

Phone: 608.283.6766

Axley Brynelson, LLP

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**From:** Joe Carroll <carrollj@platteville.org>**Sent:** Thursday, August 06, 2020 9:39 AM**To:** William S. Cole <WCole@axley.com>**Cc:** Richard Riniker <rinikerr@platteville.org>; Lauree Aulik <aulikl@platteville.org>**Subject:** historic easement

Bill,

I have a question regarding a historic easement.

Back in 2014, the City obtained several residential properties through a legal judgement, and later went through an RFP process to sell them to developers. One of those properties is located at 335 Division Street, which is

located in a State/National historic district. Due to a State law, we had to document the condition of the house with photos and place an easement on the property that would maintain the historic characteristics of the house before we could sell the property.

The easement was based on a model provided by the State Historical Society, and the State was initially going to be the holder of the easement. The State later decided they were not interested and suggested the City hold the easement, which is how the final easement was drafted. During discussions with the State, they suggested that the easement should include exceptions for portions/features of the house that are not original to the building. Also at this time the Historic Preservation Commission was discussing the easement and the property, and the City also had preliminary discussions with the developer that was selected through the RFP process. Based on these discussions, the photo documentation of the property, and the assessor's records, a list of exempt features of the house was developed and included in the easement (page 1 – specific exclusions). This list includes “the porch addition on the East side of the building”. The recorded easement is attached.

The developer began work on the property, which included removal of the siding and removal of the front porch (which wrapped around to the East side of the house). The developer had planned on replacing the porch as it was. The developer ended up losing the property through a foreclosure process and the property sold at a sheriff sale earlier this year. The current owner has now begun efforts to complete the construction. Based on the language in the easement, the developer is proposing to replace the porch on the front of the house, but not the wrap-around portion that was on the East side. Staff confirmed with the new owner that this was adequate based on the language in the easement.

A member of the Historic Preservation Commission has completed some additional research on the property and found a 1908 Sanborn Fire map which shows that the wrap-around porch, including the portion on the east side, was original to the house. The map also shows another smaller porch on the east side that had been enclosed at some point in the past. The Commission believes that this smaller porch is the porch on the east side that is excluded, but the wrap-around portion of the front porch on the east side should be replaced.

At the time the City acquired the property, there was no visual indication that there was another smaller porch on the property. The assessor's plan drawing of the property indicates a distinction between the front porch and the wrap-around porch on the east side because part of it is labeled “concrete slab, roof over” with a line separating that from the front porch. The plan also doesn't show another east side porch. The photos provide no indication of another porch. For these reasons, the Staff agreed with the new owner's interpretation of the easement.

The question at this point is how to enforce the easement. The language as written doesn't specify or further define what “the porch addition on the East side of the building” means, so Staff is concerned about our ability to enforce the need to re-install the full wrap-around porch.

Any guidance or suggestions you can provide would be welcome. I will need a response in writing that I can provide to the Commission. Let me know if you have questions or need additional information.

Thanks.

**Joe Carroll**  
**Community Development Director**  
**City of Platteville**

75 N. Bonson Street – PO Box 780 | Platteville, WI 53818

608-348-9741 x 2235

[carrollj@platteville.org](mailto:carrollj@platteville.org) | [www.platteville.org](http://www.platteville.org)





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COPY

**Historic Preservation Conservation Easement**

This instrument pertains to the following described real estate:

Lot Fifteen (15) in Henry's Addition to the Village (now City) of Platteville, Grant County, Wisconsin, according to the recorded map or plat thereof.

Address of Property: 335 Division Street  
Platteville, WI 53818

GRANT COUNTY, WI  
REGISTER OF DEEDS

DEC 23 2014

at 8:15A m, & recorded in  
Vol. 1412 Records Page 292  
MARILYN PIERCE, REGISTER  
Pages: 5

Return to: Brian C. McGraw *3012*  
106 N. Wisconsin Avenue  
P.O. Box 619  
Muscodas, WI 53573-0619

Tax Parcel No.: 22-271-1529-0000

This document was drafted by:

Brian C. McGraw  
Attorney at Law  
106 N. Wisconsin Avenue  
P.O. Box 619  
Muscodas, WI 53573-0619

**HISTORIC PRESERVATION CONSERVATION EASEMENT**  
City of Platteville, Wisconsin

River to Valley Initiatives, Inc. (hereafter, OWNER), in consideration of the sum of One Dollar (\$1) plus other valuable consideration, conveys specifically to the City of Platteville, Wisconsin (hereafter, CITY), and any successor to said CITY a Historic Preservation Conversation Easement (easement) such that the real estate described herein and any improvements thereon (hereafter, PROPERTY) will be subject to certain covenants, restrictions, and provisions, as hereafter described, which will be binding on the heirs, successors, assignees of the OWNER, and on any subsequent purchasers, and will be considered as running with the land in perpetuity. The PROPERTY is located in the City of Platteville, County of Grant, Wisconsin. The PROPERTY is listed in the National and State Registers of Historic Places as a contributing structure in the Division Street Historic District and is known as the Guy Stocks House, and is more fully described as:

Lot Fifteen (15) in Henry's Addition to the Village (now City) of Platteville, Grant County, Wisconsin, according to the recorded plat thereof.

Property Address: 335 Division Street  
Platteville, WI 53818

Unless otherwise indicated, all authorizations or written actions of the CITY stipulated herein must be executed in writing by the Director of Planning & Community Development of the CITY, and all notifications to the CITY must be to the Director of Planning & Community Development of the CITY.

The OWNER agrees to protect, preserve, and maintain all historic features of the PROPERTY, except those listed below, which are excepted as specific exclusions from these covenants:

The parties agree the interior of the building, the garage addition at the rear of the building, the porch addition on the East side of the building, existing siding, existing windows, existing exterior doors, existing porch columns and the roofing system, do not contribute to the architectural or historical integrity of the Property.

The OWNER hereby conveys to the CITY an easement as follows:

- 1) The OWNER agrees to assume the cost of continued maintenance and repair of the PROPERTY in accordance with the recommended approaches in the Secretary of the Interior's standards for rehabilitation and associated guidelines, or substantially similar standards of the CITY, so as to preserve the architectural and historical integrity of the features, materials, appearance, workmanship, and environment in order to protect and enhance those qualities that made the property eligible for listing in the National Register and (/or) the State Register.
- 2) The OWNER agrees that any alterations that may affect the architectural or historical integrity of the PROPERTY must have the prior written approval of the CITY. The OWNER shall neither construct, demolish, alter, nor remodel any portion of the PROPERTY, including any structures, buildings, or objects thereon that are not named herein as specific exclusions. The

OWNER shall not construct any new building or structure on or move any existing building or structure to the PROPERTY, nor erect fences or signs on the PROPERTY, nor disturb the ground surface of the PROPERTY, without the express written approval of the CITY

- 3) The OWNER agrees to notify the CITY in writing of any proposed actions to be undertaken by the OWNER, or any other party known to the OWNER, that may affect the architectural or historical integrity of the PROPERTY. The OWNER furthermore agrees that the CITY will be allowed 30 days to respond with a written approval or refusal of such proposed actions, except that the CITY may extend this period up to an additional 60 days upon written notice to the OWNER. In the event of refusal, the OWNER may request a written statement of the reasons for refusal
- 4) The OWNER agrees to notify the CITY in writing of any substantial damage to the property by accidental, natural, or deliberate causes within 30 days of the date on which the damage was incurred. The OWNER further agrees that no repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the PROPERTY and to protect public safety, shall be undertaken by the OWNER without prior written approval of the work by the CITY, in accordance with paragraph (3) above.
- 5) The OWNER agrees to give access to the interior and exterior of the premises to the CITY, its personal representatives, successors, or assigns of purposes of monitoring the OWNER's compliance with this covenant upon reasonable verbal or written notice, subject to the rights of OWNER'S tenants, if any. Nothing in this instrument shall require the CITY to conduct regular or irregular on-site inspections of the PROPERTY.
- 6) The OWNER agrees that the failure of the CITY to exercise any right or remedy granted under this instrument, or to conduct on-site inspections of the PROPERTY, shall not have the effect of waiving or limiting the exercise of any right or remedy or the use of such right or remedy at any other time.
- 7) The OWNER agrees to insert the easement contained herein, either verbatim or by express reference, in any deed or other legal instrument by which the OWNER divests himself (or herself or itself) of either the fee simple title or any lesser estate in the PROPERTY, including leases.
- 8) The OWNER agrees that, in the event of a violation of this easement, and in addition to any remedy now or hereafter provided by law, the CITY may, following reasonable notice to the OWNER, institute suit to enjoin said violation or to require specific performance and/or the restoration of those portions of the PROPERTY that were affected.
- 9) The OWNER shall indemnify and hold the CITY and its successors and assigns harmless for any liability, costs, attorney's fees, judgments, or expenses to the CITY, or any officer, employee, agent, or independent contractor of the CITY, resulting from actions or claims of any nature by third parties arising from defaults under this easement by the OWNER, or arising out of the conveyance of, possession of, or exercise rights under this easement, excepting any such matters arising sole from the negligence of the CITY, and that it shall not be considered

negligence on the part of the CITY should the CITY conduct neither regular nor irregular on-site inspections of the PROPERTY.

- 10) The OWNER agrees that the CITY may, at its discretion, without prior notice to the OWNER, convey and assign all or part of the CITY's rights and responsibilities contained herein to a third party.
- 11) The OWNER agrees that the CITY, at its discretion, shall have the right to install a plaque of suitable design at a point easily visible by the public, from a public way, which plaque shall give information regarding the property determined appropriate by the CITY and that the PROPERTY is subject to an easement held by the CITY. The OWNER shall take reasonable measures for the duration of the term of this easement to protect and maintain the visibility of any such plaque as may be installed.
- 12) The OWNER agrees that it shall generate Baseline Documentation for the PROPERTY to the standards established by the CITY for such work.

This easement may be amended or released by the OWNER and the Director of Planning & Community Development of the CITY, in writing, and such amendment or release shall become effective upon its recordation by the OWNER at the Grant County Register of Deeds.

The easement rights contained herein are enforceable by the CITY by an action in the Circuit Court of Grant County, Wisconsin, or any other court of competent jurisdiction.

RIVER TO VALLEY INIATIVES, INC.,

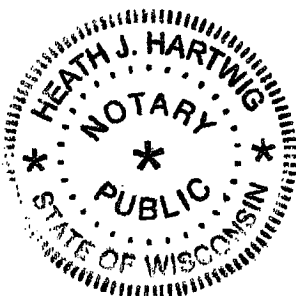
*Judith Wall*  
By Judith Wall, TREAS. (RVI) (Title)

Date: December 18, 2014

**ACKNOWLEDGMENT**

State of Wisconsin    )  
                                  )ss.  
County of Grant        )

Personally came before me this 18<sup>th</sup> day of December, 2014, the above-named Judith Wall, known by me to be the person who executed the foregoing instrument and acknowledged the same.



*Heath J. Hartwig*  
Notary Public, State of Wisconsin  
Heath J Hartwig  
(print or type name)  
My Commission Expires: 7-28-2017

CITY OF PLATTEVILLE,

*Larry Bierke*  
By: Larry Bierke, City Manager

Date: December 18, 2014

**ACKNOWLEDGMENT**

State of Wisconsin )  
  )ss.  
County of Grant        )

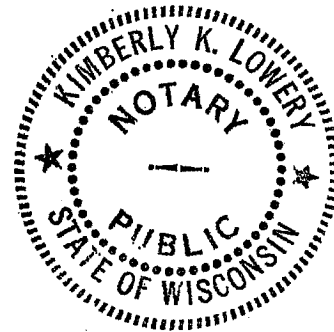
Personally came before me this 18<sup>th</sup> day of December, 2014, the above-named Larry Bierke, known by me to be the person who executed the foregoing instrument and acknowledged the same.

*Kimberly K. Lowery*  
Notary Public, State of Wisconsin

Kimberly K. Lowery  
(print or type name)  
My Commission Expires: April 14, 2017

Attest:

*Jan Martin*  
Jan Martin, City Clerk



**ACKNOWLEDGMENT**

State of Wisconsin )  
  )ss.  
County of Grant        )

Personally came before me this 18<sup>th</sup> day of December, 2014, the above-named Jan Martin, known by me to be the person who executed the foregoing instrument and acknowledged the same.

*Kimberly K. Lowery*  
Notary Public, State of Wisconsin

Kimberly K. Lowery  
(print or type name)  
My Commission Expires: April 14, 2017

